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State Will Let UB Make Decision in Recruiter Dispute

By ROBERT BALME

Buffalo Evening News Bureau

ALBANY, Nov. 2—The state plans to let the State University of Buffalo "thing things through" but "the policy of the state was made plain when it backed Aptheker," Chancellor Samuel B. Gould, president of the State University, said today.

Dr. Gould said that he, too, is personally irritated about the banning of representatives of the CIA and Dow Chemical Co. from the Buffalo campus because of fear of student demonstrators but said that "the university must have an opportunity to make a decision."

Martin Meyerson, president of the State University of Buffalo, was in Albany today to confer with Dr. Gould on other matters, but the incident will be brought up.

Dr. Gould indicated he planned no immediate action but as to the university administration decision to postpone the decision he did say it would be "something else if I was to find out this was a move of timidity."

Officials recalled the case of Dr. Herbert Aptheker, a Communist, when asked their views on the ban on recruiters for the CIA and Dow at UB.

The Aptheker case began in 1962 when objections were raised to his appearance on a public campus because he was a prominent Communist—in fact, a member of the party's Na-

tional Committee. The first round, before Supreme Court Justice Russell G. Hunt of Albany, was a ruling that he could not speak.

The State University, which defended the Aptheker appearance on the grounds of academic freedom, went to the Appellate Division, Third Department, which ruled unanimously that he could speak.

This was upheld by a 6-1 vote in the Court of Appeals which did not write an opinion, referring instead to the written comments of Appellate Justice Walter B. Reynolds who said:

"We believe that the tradition of our society has been to allow our universities in the name of academic freedom to explore and expose their students to controversial issues without government interference."

Lawyers here said that UB's new Faculty Senate notwithstanding, the existing ban could become a court action and the very issues that permitted a Communist to speak at Buffalo could be used to clear the way for the CIA and Dow Chemical.

The Appellate Division opinion by Judge Reynolds argued that academic freedom was more important than the contention of opponents that allowing Communists "to preach their ideology at a tax-supported university cloaks their activities



DR. HERBERT APTHEKER
Subject of 1962 Dispute

with a mantle of academic and intellectual integrity."

The decision to postpone the Dow and CIA appearances was made by Dr. Richard A. Sigelkow, vice president in charge of student affairs.

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